

Chapter 5.04

GENERAL PROVISIONS

(766-7/60, 838-6/61, 904-6/62, 1461-2/69, 1924-7/74, 1935-11/74, 2594-2/83, 2679-3/84, 3603-6/03, 3751-11/06)

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5.04.010 Definitions. Unless the particular chapter, provision or the context otherwise requires, the definitions and provisions contained in this section shall govern the construction, meaning, and application of words and phrases used in Title 5. (3603-06/03)

- (a) "Amusement machine" means any mechanical or electronic game, equipment, machine or device which is played or operated for amusement or entertainment, wherein a sum of money is charged or collected for the operation of such machine or device by means of a coin slot or otherwise. (3603-6/03)
- (b) "Apartment house" means any building, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of two or more families living independently of each other, in which building or portion thereof, kitchen or cooking facilities are incorporated, whether or not the occupants do their cooking in said building, and shall include flats and apartments. This section shall not apply where the building or portion thereof mentioned above consists of two units on a single lot as long as one of such units is owner occupied. (3603-06/03)
- (c) "Auto wrecker" means any person who buys any motor vehicle for the purpose of dismantling or disassembling, or who dismantles or disassembles any such motor vehicle whether for the purpose of dealing in the parts thereof or using the same for the purpose of reconditioning any other vehicle, or for the purpose of selling or otherwise dealing in the materials of such vehicle or vehicles. (3603-6/03)
- (d) "Average number of employees" means the full-time equivalent of employees in the managing, operating, transacting and carrying on of any business in the city. The average number of employees for any business means the average number of persons employed daily for the twelve-month period ending on December 31 preceding the date of license application and shall be determined by ascertaining the total number of hours of service performed by all employees during such year, and dividing the total number of hours of service thus obtained by the number of hours of service constituting a day's work, according to the custom or laws governing such employments, and by again dividing the sum thus obtained by the number of business days in such year. (3603-6/03)
- (e) "Bulk-vending machine" means a nonelectrically-operated vending machine, containing unsorted confections, nuts or merchandise which, upon insertion of a coin or coins, dispenses same in equal portions, at random and without selection by the customer, excluding "vending machines." (3603-6/03)

- (f) “Business” means professions, trades, and occupations and all and every kind of calling whether or not carried on for profit. (3603-6/03)
- (g) “City Treasurer” means the City Treasurer and his or her designee. (3603-6/03)
- (h) “Dinner dancing place” means a place where music is provided and the public is permitted to dance without payment of a fee. (766-7/60, 904-6/62, 1604-10/70, 3100-5/91, 3161-7/92, 3603-6/03)
- (i) “Event” means certain short-term events which may be held on public or private property by persons, charitable organizations or businesses, at which some measure of business is conducted which may include the sale of tickets, entry fees or registration, the promoting or advertising of a business or organization, fund-raising events, or the sale of merchandise. These events include but are not limited to art shows, sidewalk sales, seminars, trade shows, amusement attractions, fashion shows, marathon runs, car shows, festivals, sporting events or any combination thereof. (3603-6/03)
- (j) “Exhibitors” means any person or organization exhibiting, displaying, selling, exchanging, or offering for sale or exchange any property or service at a meet or event. (3603-6/03)
- (k) “Finance Director” shall mean the Finance Director or his/her designee. (3751-11/06)
- (l) “General building contractor” means a contractor whose principal contracting business is in connection with any structure built, being built or to be built, for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind, requiring in its construction the use of more than two (2) unrelated building trades or crafts or to do or superintend the whole or any part thereof. (3603-6/03, 3751-11/06)
- (m) “General engineering contractor” means a contractor whose principal contracting business is in connection with fixed works requiring specialized engineering knowledge and skill, including the following divisions or subjects: irrigation, drainage, water power, water supply, flood control, inland waterways, harbors, docks and wharves, shipyards and ports, levees, river control and reclamation works, railroads, highways, streets and roads, tunnels, sewers and sewage disposal plants and systems, pipelines and other systems for the transmission of petroleum and other liquid or gaseous substances, parks, playgrounds and other recreational works, refineries, chemical plants and similar industrial plants requiring specialized engineering knowledge and skill, powerhouses, power plants and other utility plants and installations, land leveling and earthmoving projects, excavating, grading, trenching, paving and surfacing work and cement and concrete works in connection with the abovementioned fixed works. (3603-6/03, 3751-11/06)
- (n) “Hotel, motel or rooming house” means any lodging house, motel, hotel, rooming house, bungalow court, auto court or public or private club containing more than three guest rooms or units, and which is occupied or is intended or designed for occupancy by more than three (3) guests, whether rent is paid in money, goods, labor, services or otherwise and which is maintained, advertised or held out to the public as a place where sleeping or rooming accommodations are furnished to the whole or any part of the public whether with or without meals. (3603-6/03, 3751-11/06))
- (o) “Junk collectors” means any person, other than a junk dealer engaged in the business of buying or selling, either at wholesale or retail, rags, bottles, papers, cans, metal or other articles of junk. (3603-6/03, 3751-11/06)
- (p) “License” means a license required for any person conducting, transacting, carrying on or engaged in any business, trade, profession, calling or occupation in the City. (3603-6/03, 3751-11/06)
- (q) “Licensee” means any person conducting, transacting, carrying on or engaged in any business in the City who has acquired, or is required to obtain, a business license. (3603-6/03, 3751-11/06)

- (r) “Merchandise” means tangible items, wares, goods, objects and articles which may be offered for sale. (3603-6/03, 3751-11/06)
- (s) “Operator” means any person conducting or operating a swap meet, or event within the City. This shall include such events commonly referred to as a farmer’s market and arts and craft shows. (3603-6/03, 3751-11/06)
- (t) “Peddler” means any person not having a fixed place of business in this city, who for himself, or as agent or representative for or of another, goes from house to house, and place to place, or at or along the streets of this city offering to sell tangible objects or articles, goods, wares, merchandise or services, who delivers such object, article, goods, wares, merchandise or service, in person, to the person placing the order for the same, at the time such order is placed and paid for. (3603-6/03, 3751-11/06)
- (u) “Person” means all domestic and foreign corporations, associations, syndicates, joint stock corporations, partnerships of every kind, clubs, or common law trusts, societies and individuals transacting and carrying on any business in the city other than as an employee. (3603-6/03, 3751-11/06)
- (v) “Public dance” means a dance open to the public for an admittance fee or charge, which is held on one day only. (3603-6/03, 3751-11/06)
- (w) “Public dance hall” means a place open to the public upon payment of admittance fee, wherein music is provided and people are allowed to dance which is so open at regular intervals or on regular days of the week. (3603-6/03, 3751-11/06)
- (x) “Service Machine” means any mechanical or electronic machine, device or equipment that is operated, rented or used for a fee and provides a service to the customer, such as computers, scanners, photocopiers, weighing machines, vacuum cleaners or car washes. (3603-6/03, 3751-11/06)
- (y) “Solicitors and canvassers” means any person not having a fixed place of business within the city who for himself or as agent or representative for or of another, in person or by telephone or by any other means of communication is engaged in the business of going from house to house and place to place or at or along the streets of this city, offering to sell intangibles, such as bonds or stock or oil or mining shares or units, or soliciting or taking orders for future delivery of articles, goods, wares or merchandise, services or subscriptions inclusive of newspapers, magazines, periodicals, books and all other publications, and whether collecting advance payments or not, and inclusive of all persons who thus go from place to place, and from house to house within the city, in any like or analogous activities, and inclusive of any and all such persons who may or may not engage in any actual or purported interstate commerce. The terms "solicitor" and "canvasser" shall not apply to commercial salesmen, agents and the like who sell or take orders for the sale of wholesale goods to persons maintaining a fixed place of business in this city who are licensed as prescribed by this title. (3603-6/03, 3751-11/06)
- (z) “Specialty contractor” means a subcontractor and is a contractor whose operations as such are the performance of construction or other work requiring special skill and whose principal contracting business involves the use of specialized building trades or crafts or other specialized techniques and who is not classified as a general engineering or general building contractor by the Department of Professional and Vocational Standards of the State of California, and those various categories of contractors who are not required to be and who are not licensed as "contractors" by the aforementioned department. The classification assigned to contractors by the State of California will be used in determining the fee for issue of license by this city. A license as a specialty or subcontractor will not be issued to a person classified by the state as a general or engineering contractor unless such contractor holds a valid sub or specialty contractor classification license in addition to his general or engineering license. (3603-6/03, 3751-11/06)

- (aa) "Stall, Space or Booth" shall be defined as a physical area measuring one hundred and forty-four (144) square feet or less. (3603-6/03, 3751-11/06)
- (bb) "Swap Meet" means an operation of occasional, periodic or regularly scheduled markets held within a building of at least 100,000 square feet, or outside, that has received a conditional use permit to conduct an indoor swap meet. (3603-6/03, 3751-11/06)
- (cc) "Vending machine" means any weighing, service, merchandise, food or drink-dispensing machine, or device wherein a sum of money is charged or collected for the operation of such machine or device by means of a coin slot or otherwise, excluding "bulk-vending machines." (766-7/60, 838-6/61, 904-6/62, 1461-2/69, 1924-7/74, 1935-11/74, 2594-2/83, 2679-3/84, 3603-6/03, 3751-11/06)

5.04.020 Purpose. The ordinance codified herein is enacted solely to raise revenue for municipal purposes, and is not intended for regulation. (766-7/60)

5.04.030 Effect on other ordinances. Persons required to pay a license tax for transacting and carrying on any business under this title shall not be relieved from the payment of any license tax for the privilege of doing such business required under any other ordinance of the City of Huntington Beach, and shall remain subject to the regulatory provisions of other ordinances. (766-7/60)

5.04.040 Effect on past actions and obligations. Neither the adoption of the ordinance codified herein nor its superseding of any portion of any other ordinance of the city shall in any manner be construed to affect prosecution for violation of any other ordinance committed prior to the effective date hereof, nor be construed as a waiver of any license or any penal provision applicable to any such violation, nor be construed to affect the validity of any bond or cash deposit required by any ordinance to be posted, filed or deposited, and all rights and obligations thereunto appertaining shall continue in full force and effect. (766-7/60)

5.04.050 Prohibited occupations. Nothing in this title shall be construed to permit the conduct of any trade, business or occupation which is prohibited by an applicable federal, state or municipal ordinance or regulation, or which has been declared illegal or to constitute a nuisance by any governmental or municipal authority. (852-8/61)

5.04.060 Permit from Council required for certain businesses. No license shall be issued for the conduct of any business which, in the opinion of the Finance Director would be detrimental to the public health, safety, welfare or moral standards of the City until a permit shall have first been obtained from the City Council or appropriate City department. (838-6/61, 3603-6/03, 3751-11/06)

5.04.080 Investigation fees. Investigation fees may be levied against business applicants, firms, persons or subsequent employees, when so designated by the City Administrator and City Council. Said fees shall be reasonable and based on standards set by the City Administrator and shall be payable to the City Treasurer prior to the police investigation. Fees are not refundable. (1171-1/66, 3603-6/03)

5.04.090 License not a permit. The business licenses issued pursuant to the provisions of this title constitute a receipt for the license fee paid and shall have no other legal effect. A business license is a requirement, not a permit to conduct, manage or carry on any business activity within this city. (838-6/61)